

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI**

**DIVISION: 6**

**By HON. WARREN R. DARROW**

**CASE NO. P1300CR20081339**

**JEANNE HICKS, CLERK**

**By: Heather Smith, Deputy Clerk**

**DATE: July 28, 2010**

**FILED**

**DATE: 07/28/10**

**8:42 O'Clock A.M.**

**JEANNE HICKS, CLERK**

**BY: HEATHER SMITH**

**Deputy**

**TITLE:**

**STATE OF ARIZONA**

(Plaintiff)

vs.

**STEVEN CARROLL DEMOCKER**

(D-1)

(Defendant)

**COUNSEL:**

**Yavapai County Attorney (e)**

(For Plaintiff)

**John Sears (e)**

**Larry Hammond & Anne Chapman (e)**

**OSBORN MALEDON, P.A.**

(For Defendant)

**HEARING ON:**

Jury Trial – Day 30

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Heidi Anderson

**START TIME: 8:42 a.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant  
Steven Carroll Democker, Defendant in Custody

At 8:42 a.m., Court reconvenes with both County Attorney's, all Defense Counsel and the Defendant present, outside the presence of the jury panel.

Court makes a ruling as to the bicycle tire impression. With respect to the testimony of Commander Scott Mascher and Detective Winslow, there can be no comparison between the impression evidence from the scene and the known evidence and known samples. There can't be any kind of comparison language such as match, identity, similar or exactly the same.

Non expert witnesses can not testify as to comparison during their testimony.

In regards to the exhibits, the photos can come in with no comparison at any level providing there is proper foundation.

Counsel for Defendant, Chapman, requests clarification as to the foundation of Commander Scott Mascher. Counsel indicates Commander Scott Mascher conducted measurements of the footprints at the scene and Defense was not told about the measurements or provided the measurements until Court resumed this morning and was informed, Commander Scott Mascher is going to testify about the measurements today.

Commander Mascher can talk about what he did to conduct the tracking including indicating he took measurements, however; can't make any kind of suggestion or testify as to what he believes the measurements may show in regard to size and weight. The witness can't say what the measurements were only that there were measurements.

At 9:38 a.m., Court reconvenes with Counsel, Defendant and the Jury Panel present.

Commander Scott Mascher is sworn and testifies.

\*\*\*\*\* Recess at 10:35 a.m. \*\*\*\*\*

At 11:00 a.m., Court reconvenes with Counsel, Defendant and the Jury Panel present.

Commander Scott Mascher resumes testifying, having previously been sworn.

Exhibit 2672 is admitted with no objection.

Exhibits 2673 and 2449 are admitted over objection by Counsel for Defendant.

Exhibit 2450 is admitted with no objection.

Exhibit 2451 is admitted with no objection.

Exhibit 2452 is admitted with no objection.

Exhibit 2453 is admitted with no objection.

Exhibit 2454 is admitted with no objection.

Exhibit 2513 is admitted with no objection.

Exhibit 2677 is admitted with no objection.

State moves for the admission of Exhibit 2679. Counsel for Defendant objects as to foundation. Counsel for State provides more foundation and exhibit 2679 is admitted with no further objection.

Exhibits 2501, 2674, 2675 and 2676 are admitted with no objection.

Exhibit 2678 is admitted with no objection.

Court notes, this is the time for the lunch recess. Court reminds the Jury Panel of the Admonition. All parties shall return at 1:15 p.m.

\*\*\*\*\* Recess at 11:59 a.m. \*\*\*\*\*

At 1:26 p.m., Court reconvenes with Counsel, Defendant and the Jury Panel present.

Commander Scott Mascher resumes testifying, having previously been sworn.

Exhibit 2703 is admitted with no objection.

Exhibit 2704 is admitted with no objection.

Exhibit 2705 is admitted with no objection.

Exhibit 2706 is admitted with no objection.

Exhibit 2485 is admitted with no objection.

Exhibit 2713 is admitted with no objection.

Exhibit 2486 is admitted with no objection.

Exhibits 2489 and 2718 are admitted with no objection.

Exhibit 2714 is admitted with no objection.

Exhibits 2488, 2715 and 2716 are admitted with no objection.

Exhibit 2717 is admitted with no objection.

Exhibit 2493 is admitted with no objection.

Court notes, this is the time for the afternoon recess. Court reminds the Jury Panel of the admonition. The Jury Panel shall return in 25 minutes.

\*\*\*\*\* Recess at 2:55 p.m. \*\*\*\*\*

At 3:20 p.m., Court reconvenes with Counsel and Defendant present, outside the presence of the Jury Panel.

Court and Counsel discuss scheduling.

Court and Counsel discuss questions from the Jury Panel as to whether they should be addressed now or after the witness.

The questions will be asked at the end of the witness.

At 3:23 p.m., the Court exits the Courtroom.

At 3:24 p.m., Court reconvenes with Counsel, Defendant and the Jury Panel present.

Commander Scott Mascher resumes testifying, having previously been sworn.

Court collects the questions from the Jury Panel. Court takes a brief recess to discuss the questions from the Jury Panel.

At 3:57 p.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

The witness is excused during the discussion of the Jury Questions and asked to wait outside the Courtroom.

Court, Counsel and Defendant discuss the Jury questions.

At 4:33 p.m., Court exits the Courtroom.

At 4:35 p.m. the Jury Panel re-enters the Courtroom.

All parties are present.

Court relays the questions to the witness.

Court is provided with another question from the Jury Panel.

Court and Counsel meet at sidebar, on the record, outside the presence of the Jury Panel.

Witness is excused.

Court provides the Jury Panel with the exhibits they requested in a jury question for viewing.

Court reminds the Jury Panel of the admonition. The Jury Panel shall return tomorrow at 9:00 a.m.

Court adjourns at 5:00 p.m.

cc: Dean Trebesch (Contract Administrator) (PD) (e)  
Christopher DuPont, Trautman DuPont PLC,  
Counsel for Victims Charlotte and Katherine DeMocker  
YCSO – Detention Records (e)  
Victim Services (e)  
John Napper, Counsel for Renee Girard(e)  
Division 6